

MINUTES – FEBRUARY 21, 2005

The Caswell County Board of Commissioners met in regular session at the Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, February 21, 2005. Members present: Nathaniel Hall, Chairman, George W. Ward, Jr., Vice-Chairman, Larry G. Hamlett, Jack W. Hooper, Jeremiah Jefferies, Kenneth D. Travis, and C. Hester Vernon, III. Also present: Jeffrey H. Earp, County Manager, Robert V. Shaver, Jr., County Attorney, Gordon Bendall representing The Caswell Messenger, and Lauren Chesnut representing The Danville Register & Bee. Wanda P. Smith, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Hall opened the meeting with a Moment of Silent Prayer.

APPROVAL OF AGENDA

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the agenda as presented.

Chairman Hall requested that Discussion of Hunting Issues be added to the agenda after Item No. 6.

Upon a vote of the motion as amended, the motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Jefferies moved, seconded by Commissioner Ward to approve the Consent Agenda as presented. The motion carried unanimously.

The following items were included on the Consent Agenda:

- 1) Approval of Minutes of February 7, 2005 Special Meeting and Regular Meeting
- 2) Budget Amendment No. 15-Health Department
- 3) Budget Amendment No. 16-Health Department
- 4) Budget Amendment No. 17-Health Department

PUBLIC COMMENTS

Chairman Hall opened the floor for public comments.

Mr. Roger Busick came before the Board and stated that he lives in the southern part of the County and in 1988 he began operating a quail hunting farm. Mr. Busick added that he has been before the Board numerous times in the past on the deer dog hunting issue and it comes up every year with the same problems. Mr. Busick informed the Board that he had provided to the Clerk to the Board a letter from one of his customers describing an incident that happened to him this year. Mr. Busick stated that committees have been formed and he served on one of these committees, but it did not fix anything. Mr. Busick added that making laws that will split the deer season will only compress the problem and will not fix anything. Mr. Busick stated that these individuals need to be held accountable for their dogs. Mr. Busick informed the Board that dogs have run through his fields disturbing hunts, scattering the birds, and hunters ride through looking for their dogs. Mr. Busick added that he had a gut barrel dumped on his road by one of the hunting clubs. Mr. Busick stated that he got tired of making complaints and just quit complaining because it did not do any good. Mr. Busick added that he has called the Sheriff's Department and has even been threatened to be arrested because he had in his possession dogs that were trespassing on his property. Mr. Busick stated that members pay money to come to his farm and hunt and after getting in the deer stands, deer dogs are running around them all day. Mr. Busick noted that still hunting and dog hunting do not work together. Mr. Busick informed the Board that the deer population will never be controlled in this County by dog hunters with four buck limits because the only way to control the deer population is to take out does. Mr. Busick stated that the bottom line is this is a property rights issue. Mr. Busick added that he bought his farm, pays taxes on it every year, and he should have control over who is allowed to come on it. Mr. Busick stated that the deer dog hunters let their dogs loose knowing they will trespass on his property and their excuse is that the dogs cannot read. Mr. Busick added that something needs to be done about it.

Chairman Hall questioned Mr. Busick as to what he thought could be done to make his situation better. Mr. Busick answered that the owners of the dogs should be held responsible for their dogs and trespassing by their dogs. Mr. Busick stated that laws should deem trespassing by dogs a misdemeanor. Mr. Busick informed the Board that Pitt County has laws on the books that address this.

Mr. Lacy Daniel of Pelham, NC came before the Board and stated that he agrees with Mr. Busick's comments that the hunting problem is a landowners' rights issue. Mr. Daniel added that his purpose in speaking tonight is an animal issue and stated that Caswell County does not have a leash law. Mr. Daniel informed the Board of an incident in which Animal Control took dogs belonging to his son which were chained on his property. Mr. Daniel noted that three dogs are chained and two run loose. Mr. Daniel added that his son works out of town, but pays someone to feed and look after his dogs. Mr. Daniel stated that the dogs were taken and placed in the Animal Shelter and his son had to pay \$54 to get the dogs back. Mr. Daniel asked what right did they have to come and get these dogs when the County does not have a leash law. Upon questioning from Commissioner Hooper, Mr. Daniel answered that his son is Earl Daniel and lives on the Poole Road and added that one of his dogs had died in the yard and one had been taken to the Veterinarian for treatment.

PUBLIC HEARING – SCATTERED SITE HOUSING PROGRAM GRANT

Commissioner Jefferies moved, seconded by Commissioner Travis that the Board enter into a public hearing to receive comments on application for and utilization of the 2005 Scattered Site Housing Program Grant. The motion carried unanimously.

Mr. Michael Walser, Administrator, came before the Board and stated that this is the second public hearing for the Community Development Block Grant 2005 Scattered Site Housing Project and is in the same amount of \$400,000 that the County received in 2002 and the County is again eligible to receive those funds. Mr. Walser added that the \$400,000 will be used to rehabilitate ten dwelling units throughout the County and with the Board's approval he will submit the application on the County's behalf. Upon questioning from Commissioner Hamlett, Mr. Walser answered that he provided the Board at its last meeting with statistics concerning the close-out annual report. Mr. Walser added that the report provides information on the number of individuals who benefited, racial background, income bracket, and if there are female heads of household. Upon questioning from Commissioner Hamlett, Mr. Walser answered that the report does not show where materials were bought for the rehabilitation of the dwelling units. Mr. Walser noted that the projects are bid out to one contractor and in most cases, they subcontract parts of the project such as electrical, plumbing, and heating. Mr. Walser stated that he cannot tell the contractor where to buy his materials, but he is encouraged to buy locally. Commissioner Hamlett asked if this project includes the Towns of Yanceyville and Milton as well as the County. Mr. Walser confirmed that the Towns of Yanceyville and Milton are included in the project also. Commissioner Hamlett asked if the Towns can apply for these funds also and Mr. Walser answered that they could not. Mr. Walser added that prior to the year 2000 the Scattered Site Housing Program was a competitive grant application of which Towns and Counties both could apply, but in the year 2000 the State decided to eliminate the competitive bidding and monies were given directly to the counties and were encouraged to work with its local units of government. Commissioner Hamlett stated that he would like to see the contractors buy their materials locally in rehabilitating the homes in the County.

Mr. Gordon Bendall asked Mr. Walser if in his research, did he determine that there is anyone living in a home in Caswell County that does not have water or electricity. Mr. Walser answered that 27 applications were received, and all of those had electricity, but one did not have a bathroom or running water inside the home. Mr. Walser noted that the Scattered Site Housing Program is a moderate rehabilitation program.

There being no further comments, Commissioner Jefferies moved, seconded by Commissioner Ward that the public hearing be closed. The motion carried unanimously.

Chairman Hall moved, seconded by Commissioner Jefferies to adopt the following Resolutions relating to the 2005 Scattered Site Housing Grant. The motion carried unanimously.

**RESOLUTION
OF THE CASWELL COUNTY
BOARD OF COMMISSIONERS**

WHEREAS, the North Carolina Division of Community Assistance is a significant source of funding for affordable housing within Caswell County; and

WHEREAS, the North Carolina Division of Community Assistance has conditionally awarded Caswell County \$400,000 for Scattered Site Owner-Occupied Housing Rehabilitation funds for Caswell County residents; and

WHEREAS, the funds are expected to assist (10) ten low income families; and

WHEREAS, Caswell County will realize additional social benefits in the form of preserving its affordable housing stock for low and moderate income citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE CASWELL COUNTY BOARD OF COMMISSIONERS;

That the Board of Commissioners of Caswell County will substantially comply with all Federal, State, and local laws, rules, regulations and ordinances pertaining to the project and to Federal and State grants pertaining thereto.

That, Jeffrey H. Earp, County Manager, and successors so titled is hereby authorized and directed to furnish such information as the appropriate governmental agencies may request in connection with such applications for the project; to make the assurances and certifications as contained above, and to execute such other documents as may be required in connection with the construction of the project.

That this Resolution shall take effect immediately upon adoption.

That the County will submit an application to the North Carolina Division of Community Assistance in the amount of \$400,000 as funding for the Caswell County Scattered Site Rehabilitation Program.

Adopted this the 21st day of February, 2005.

S/Nathaniel Hall
Nathaniel Hall, Chairman
Board of Commissioners

ATTEST:

S/Wanda P. Smith
Wanda P. Smith, Clerk to the Board

CASWELL COUNTY
POLICIES, PROCEDURES, RESOLUTIONS
AND ORDINANCES
FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, Caswell County will be awarded a Community Development Block Grant Scattered Site Housing Rehabilitation Award for \$400,000; and

WHEREAS, Caswell County desires to adopt Community Development Program Policies, Procedures, Plans, Resolutions, and Ordinances; and

WHEREAS, The Community Development Office has created Community Development Program Policies, Procedures, Plans, Resolutions, and Ordinances.

NOW, THEREFORE, BE IT RESOLVED, Caswell County hereby adopts Community Development Program Policies, Procedures, Plans, Resolutions, and Ordinances as herein contained.

Adopted this the 21st day of February, 2005.

S/Nathaniel Hall

Chairman

ATTEST:

S/Wanda P. Smith

Clerk to the Board

PUBLIC HEARING – SUBURBAN MOBILE HOME PARK

Commissioner Travis moved, seconded by Commissioner Jefferies that the Board enter into a public hearing to receive comments on the Community Development Block Grant Infrastructure Project for Suburban Mobile Home Park. The motion carried unanimously.

Mr. Michael Walser, Administrator, reported that this application was approved by the Board at its November 15, 2004, meeting, but the State recommended that the public hearing be readvertised in a local paper and public hearings be held again. Mr. Walser stated that this is a \$120,000 grant application which will be used to install 3,500 linear feet of 3 inch pressure sewer line with a pump station to eliminate failing septic tank systems in the Suburban Mobile Home Park. Mr. Walser added that the owner of the

Park will be responsible for running the necessary lines and making the connections from the pump station into the individual mobile homes.

Commissioner Hamlett asked if the Town can apply for this grant starting this year and Mr. Walser answered that they could not because these funds are being granted from the 2004 grant cycle. Mr. Walser stated that the 2005 funding cycle has not been opened yet and is typically opened after the State budget is in place. Mr. Walser noted that at this point the Town is not eligible to apply.

There being no further comments, Commissioner Jefferies moved, seconded by Commissioner Travis that the public hearing be closed. The motion carried unanimously.

Commissioner Jefferies moved, seconded by Commissioner Hooper to adopt the following Resolution. The motion carried unanimously.

CASWELL COUNTY
POLICIES, PROCEDURES, RESOLUTIONS
AND ORDINANCES
FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, Caswell County will be awarded a Community Development Block Grant Infrastructure Award for \$120,000; and

WHEREAS, Caswell County desires to adopt Community Development Program Policies, Procedures, Plans, Resolutions, and Ordinances; and

WHEREAS, The Community Development Office has created Community Development Program Policies, Procedures, Plans, Resolutions, and Ordinances.

NOW, THEREFORE, BE IT RESOLVED, Caswell County hereby adopts Community Development Program Policies, Procedures, Plans, Resolutions, and Ordinances as herein contained.

Adopted this the 21st day of February, 2005.

S/Nathaniel Hall
Chairman

ATTEST:

S/Wanda P. Smith
Clerk to the Board

DISCUSSION OF HUNTING ISSUES

Commissioner Hooper reported that he has met with the Sheriff's Department and Wildlife Officer and asked them to use the current Statutes and laws this coming hunting season in working with the landowners so they can protect their land. Commissioner Hooper stated that he encouraged the two agencies to respond as quickly as possible if a landowner calls in with a complaint, and make an arrest, if necessary. Commissioner Hooper added that he talked with Representative Bill Faison and was told that it takes legislative action to make a change in the hunting season.

Commissioner Hooper proposed the following hunting season:

Bow Season

September 12 – October 22

Muzzle Loading

October 24 – November 5

Gun Season (includes Muzzle loading)

November 7 – November 19

Still Hunting/Dog Hunting

November 21 – January 2

Commissioner Hooper stated that this would allow for 16 weeks of hunting, as it is currently, but the schedules are different. Commissioner Hooper added that this should help the still hunters and dog hunters, and hopefully, with the assistance of the Sheriff's Department and Wildlife on trespassing, this will help the landowner.

Commissioner Hooper stated that he would also like for the Board to consider adopting an Ordinance similar to that in Pitt County which would make the hunter responsible for his dogs.

Commissioner Hooper stated that he is trying to work out something for the benefit of all hunters, but also respect the landowner.

COUNTY MANAGER'S REPORT

Mr. Jeff Earp, County Manager, reported that the current contract with the Animal Protection Society of the Northern Piedmont to provide shelter services to Caswell County will expire March 31, 2005. Mr. Earp stated that he has had discussions with Mr. Steve Carscadden, the current President of the Board of Directors for the Shelter and they agreed that it would be in the best interest of both parties to extend the current contract for three months until the end of the budget year. Mr. Earp added that this would enable a new contract to be negotiated and planned for within the budget planning period for the

2005-2006 fiscal year. Mr. Earp requested that the Board allow him to execute an amendment to the current contract to extend the contract under its current terms for a three month period, through June 30, 2005. After discussion, Commissioner Hooper moved, seconded by Commissioner Ward to accept the recommendation of the County Manager and allow him to execute an amendment to the County's current contract with the Animal Protection Society of the Northern Piedmont to extend the contract under its current terms for a three month period, through June 30, 2005. The motion carried unanimously.

Mr. Earp reported that on January 24, 2005, Ms. Kindra Dawn Morriss was appointed by the Board to the Caswell County Joint Nursing Home/Adult Care Home Community Advisory Committee. Mr. Earp stated that he has learned that Ms. Morriss provided false information on the Candidate Profile and since this appointment, Ms. Morriss has been arrested and alleged to have misrepresented herself as a lawyer to several elderly citizens in the area. Mr. Earp requested that the Board rescind its appointment of Ms. Morriss to the Caswell County Joint Nursing Home/Adult Care Home Community Advisory Committee until this matter is resolved. After discussion, Commissioner Travis moved, seconded by Commissioner Ward to accept the recommendation of the County Manager and rescind the appointment of Ms. Kindra Dawn Morriss to the Caswell County Joint Nursing Home/Adult Care Home Community Advisory Committee. The motion carried unanimously.

Mr. Earp reported that at the Board's January 24, 2005 meeting, he informed them that he had received communication from Representative Bill Faison offering to meet with the Board of Commissioners to discuss legislative concerns. Mr. Earp stated that he was instructed to get potential dates from Representative Faison for this meeting. Mr. Earp added that Representative Faison responded that he could meet on Mondays, Thursday evening, or during the day on Friday and requested that the Board schedule a date that would be suitable for them. The Board agreed to schedule a special meeting on Thursday, March 3, 2005, at 6:00 p.m. to meet with Representative Bill Faison to discuss legislative concerns.

Mr. Earp reported that the Board had requested that he schedule a joint meeting with the Board of Education to discuss items of mutual concern, including the budget. Mr. Earp stated that he contacted the Board of Education and they have agreed to meet in joint session with the Board of Commissioners on Monday, March 21, 2005, at 5:30 p.m. in the Historic Courthouse. The Board agreed to meet in joint session with the Board of Education on March 21, 2005, at 5:15 p.m.

Mr. Earp brought to the Board's attention a number of events included in the agenda package of which they are invited to attend.

Mr. Earp announced that the Planning Board has extended an invitation to the Board of Commissioners to attend its meeting on Tuesday, February 22, 2005, at 1:00 p.m. to discuss its proposed Zoning Plan.

Chairman Hall asked that the Board members pay close attention to the hearings noted in information from the Utilities Commission that is included in the Board's agenda package.

ANNOUNCEMENTS/QUESTIONS

Commissioner Jefferies reported that he received a telephone call from a lady with concerns that involved selling her home and when she had her land surveyed, .1 acre of her driveway was on the adjoining property owner. Commissioner Jefferies stated that she paid this property owner for the .1 acre and when she went to the Courthouse to record the deed, the taxes had not been paid on the entire property from which she bought .1 acre. Commissioner Jefferies reported that this individual asked that she be allowed to pay the taxes on the .1 of an acre that she purchased so she can record her deed. After discussion, Chairman Hall referred this request to the County Attorney for legal review and determination.

Chairman Hall informed Commissioner Jefferies that he talked to a representative of the Piedmont Triad Council of Governments concerning a cable issue he had brought to his attention and the individual was to contact him. The County Manager noted that the PTCOG representative contacted him after he could not reach Commissioner Jefferies to gather the information needed to review the cable issue.

Commissioner Hamlett questioned the overtime by Emergency Medical Services. Mr. Earp answered that the Board received an overtime report at its last meeting and to his knowledge, overtime is still under the budgeted amount. Upon questioning from Commissioner Hamlett, Mr. Earp stated that all overtime is under the budgeted amount, but he is closely watching overtime in the Sheriff's Department and Jail.

Commissioner Hamlett questioned the status of the EMS trucks. Mr. Earp answered that one truck is being built and problems are being experienced with the second truck in mounting the box on the Ford body. Mr. Earp stated that he would be bringing a proposal to the Board at its next meeting. Mr. Earp added that EMS is currently operating with one ambulance and a back-up.

Chairman Hall stated that there has been some discussion and confusion about the moving of a tower for a fire department. Mr. Earp clarified that two years ago former Sheriff Smith came before the Board and requested \$1,000 to remove the tower from the old Providence Volunteer Fire Department and this was approved. Mr. Earp stated that Mr. Andy Loftis was the contractor hired to remove the tower. Mr. Earp added that at a later meeting a former Commissioner questioned whether Mr. Loftis had the proper liability insurance to remove the tower and it was determined that he did not and the project was put on hold. Mr. Earp reported that after this issue was recently brought to his attention by Chairman Hall, he met with representatives of the Providence Volunteer Fire Department, 911 Board Chairman, and 911 Director to resolve this issue. Mr. Earp stated that the tower will be removed at an approximate cost of \$834 by a licensed liability bonded company. Mr. Earp added that the 911 Board would be coming before

the Board to request approval to use 911 funds to remove the tower; however, no funds will be requested to re-erect the tower because the Fire Department will be responsible for this. Chairman Hall requested that an update of this issue be provided within the next couple of months.

Commissioner Hamlett questioned the status of renovations at the Magistrate's Office in the New Courthouse. Mr. Earp answered that renovation of the Magistrate's Office has been completed, as well as the former Commissioners' Meeting Room which is now a courtroom. Mr. Earp added that the Tax Office now has its new counters, as well as the roll-down door, wiring, and the computer cable has been run. Commissioner Hamlett noted that there is a closet next to the Board of Elections that would be a good area to accommodate the extra space needed by the Board of Elections. Mr. Earp reported that he has had discussions with the Clerk of Superior Court and, hopefully, the Superior Court Judge will allow the use of some of the space not currently being utilized by the Court System.

CLOSED SESSION

Commissioner Hamlett moved, seconded by Commissioner Travis that the Board enter into closed session to consider the compensation, terms of appointment, and performance of an individual public officer (NCGS 143-318.11(a)(6)) and to preserve the Attorney/Client privilege (NCGS 143-318.11(a)(3)). The motion carried unanimously.

REGULAR SESSION

Commissioner Hamlett moved, seconded by Commissioner Ward to resume regular session. The motion carried unanimously.

THE ADJOURNMENT

At 8:45 p.m. Commissioner Travis moved, seconded by Commissioner Jefferies to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

Nathaniel Hall
Chairman
